

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to FIG. 1. This sheet replaces the original sheet that included FIG. 1. FIG. 1 was amended to indicate that the identification mechanism can be encapsulated.

REMARKS

In the Official Action mailed on **12 June 2009**, Examiner reviewed claims 1-2, 7, 34-39 and 41-53. Examiner objected to the drawings. Examiner rejected claims 1-2, 7, 34-38, and 41-54 under 35 U.S.C. § 112. Examiner rejected claims 1-2 under 35 U.S.C. § 102(b) based on Maston et al. (U.S. Patent No. 4,695,112, hereinafter "Maston"). Examiner rejected claims 49-53 under 35 U.S.C. § 103(a) as being unpatentable over Maston. Examiner rejected claim 54 under 35 U.S.C. § 103(a) based on Matson, in view of O'Connor et al. (U.S. Patent No. 6,450,704, hereinafter "O'Connor"). Examiner rejected claim 7 under 35 U.S.C. § 103(a) based on Matson, in view of Marrs et al. (U.S. Patent No. 5,355,283, hereinafter "Marrs"). Examiner objected to claims 34-39 and 41-48 but indicated the claims would be allowable if rewritten to overcome the 34 U.S.C. § 112 rejections.

Amendments to the Specification

Applicant has amended the specification to include the encapsulation now included in the amended FIG. 1 (see "Objections to the Drawings" section of these remarks). No new matter was added.

Objections to the Drawings

Examiner objected to the drawings, averring that the drawings must show every feature of the invention specified in the claims. Applicant has amended the drawings to indicate that the identification mechanism can be encapsulated. This amendment overcomes the objections to the drawings. Hence, Applicant respectfully requests the withdrawal of these objections.

Rejections under 35 U.S.C. §112

Examiner rejected claims 1-2, 7, 34-38, and 41-54 under 35 U.S.C. § 112, averring that the claim language was unclear.

In rejecting claim 1, Examiner averred that the claim language was unclear because it appeared to render the circuit board useless. Applicant has amended claim 1 to recite that breaking the substrate in the predefined boundary and permanently detaching the key area disables the circuit board and assures the circuit board is destroyed.¹ This amendment clarifies that the circuit board is disabled/destroyed when the key area is detached. As indicated in lines 1-2 of claim 1, and as was also discussed in Applicant's remarks filed on 24 March 2009 (hereinafter "0309 OAR"), the circuit board indeed becomes useless when the key is removed.²

Examiner rejected claim 34, averring that in lines 15-16 the phrase "the tab is removed by breaking the substrate in the specific area" was unclear. Specifically, Examiner averred that breaking the substrate appeared to render the tab useless. Applicant respectfully points out that claim 34 does not include the phrase recited in the Office Action. Instead, in the 0309 OAR, Applicant amended claim 34 to clarify that the tab is removed by breaking the substrate at or near **the proximate end**. This amendment clarifies that the tab can be removed without rendering the tab useless, because the substrate is broken at or near an end connected to the circuit board. This proximate end is only a portion of the tab.

Examiner rejected claim 43, averring that in lines 17-18 the phrase "the key is removed by breaking the substrate in the specific area" was unclear. Specifically, Examiner averred that breaking the substrate appeared to render the tab useless. Applicant respectfully points out that claim 43 does not include the

¹ see instant application, page 1, lines 22-25; also, page 3, lines 10-25

phrase recited in the Office Action. Instead, in the 0309 OAR, Applicant amended claim 43 to clarify that the key is removed by breaking the substrate **at a boundary** of the specified area. This amendment clarifies that the tab can be removed without rendering the tab useless, because the substrate is broken at a boundary of the specified area. Applicant respectfully indicates that breaking the substrate at a boundary clarifies that only some of the substrate is broken, i.e. the substrate of the entire key is not broken, rendering the key useless.

Examiner rejected claim 44, averring that in lines 13-16 the phrase “the key is removed by breaking the substrate in the specific area” was unclear. Specifically, Examiner averred that breaking the substrate appeared to render the tab useless. Applicant respectfully points out that claim 44 does not include the phrase recited in the Office Action. Instead, in the 0309 OAR, Applicant amended claim 44 to clarify that the key is removed by breaking the substrate **in a portion** of the specified area. This portion of the specified area is removably connected to a first portion of the circuit board. In other words, only a portion of the substrate that is removably connected to the circuit board is broken.

These amendments overcome the claim rejections under 35 U.S.C. § 112. Hence, Applicant respectfully requests the withdrawal of these rejections.

Rejections under 35 U.S.C. § 102

Examiner rejected claim 1 as being anticipated by Maston. Applicant respectfully disagrees with the rejection. When establishing a *prima facie* case when rejecting claims under 35 U.S.C. § 102(b), the Examiner’s cited prior art must contain every element of the claimed subject matter:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.³

2 see *id.*, page 3, lines 10-25

3 see MPEP § 2131

Examiner has failed to establish prima facie anticipation because there is at least one fundamental distinction between Maston and the claimed invention. Specifically, there is nothing in Maston, either expressly or inherently, that discloses that the key area comprises an identification mechanism which *uniquely identifies* the key area as being originally attached to the circuit board.

Applicant respectfully points out that Examiner's rejection does not address this limitation. Note that Applicant's arguments pertaining to this identification mechanism can be found in Applicant's remarks filed on 9 October 2008.

Furthermore, Applicant has amended claim 1 to clarify that breaking the substrate in the predefined boundary and permanently detaching the key area disables the circuit board and **assures** the circuit board is destroyed. Maston nowhere discloses that breaking the substrate **assures** the circuit board is destroyed. This amendment finds support in page 1, lines 11-24, and page 3, lines 10-21 of the instant application. Applicant has amended claim 34 to correct a minor typographical error. No new matter was added.

Hence, Applicant respectfully submits that independent claims 1, 34, and 43-44 as presently amended are in condition for allowance. Applicant also submits that dependent claims which dependent upon these independent claims are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the application is presently in form for allowance.
Such action is respectfully requested.

Respectfully submitted,

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